

REMARKS

This application has been carefully considered in connection with the Examiner's Office Action dated September 4, 2007. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1-22 were pending at the time of the Office Action.

Claims 1-12 were rejected under 35 USC 112, second paragraph.

Claims 1 and 4-12 were rejected under 35 USC § 103(a) as being unpatentable over Landfield, et al. (U.S. Patent No. 5,928,333) in view of Couch, et al. (U.S. Publication No. 2003/0126109).

Claims 13, 14, and 21 were rejected under 35 USC § 103(a) as being unpatentable over Landfield in view of Couch, and further in view of Hamilton, et al., (U.S. Publication No. 2003/0182464).

Claims 2-3 were rejected under 35 USC § 103(a) as being unpatentable over Landfield in view of Couch, and further in view of Robinson (U.S. Publication No. 2003/0115366).

Claims 15-20 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Landfield in view of Couch and Hamilton, and further in view of Robinson.

Summary of Response

Claim 1 is currently amended.

Claims 4, 5, 7, 9, 11, 13, 14, 16, 21, and 22 were previously presented.

Claims 2-3, 6, 8, 10, 12, 15, and 17-20 remain as originally filed.

Remarks and Arguments are provided below.

Summary of Claims Pending

Claims 1-22 are currently pending following this response.

Drawings

Applicant submits concurrently herewith, three (3) *Replacement Sheets*, Figures 1-5. The enclosed *Replacement Sheets* supersede the original drawings filed by Applicant on October 14, 2003.

Formal drawings of Figures 1-5 are submitted concurrently herewith as requested by the Office Action. These Figures are respectfully submitted not to introduce new matter, and are offered for clarification purposes.

Applicant Initiated Interview

Applicant thanks Primary Examiner Alhashemi and Examiner Cao for their time and consideration of the arguments presented in the telephone interview on November 14, 2007. In the interview, Applicant presented various arguments against the applied art. In particular, Applicant argued that Landfield teaches away from the combination of Landfield and Couch, that

a non-existent system cannot be read on a positively recited system, that the table function of Couch is a normal receiver of the messages, and that Hamilton does not disclose inputting a host computer and queue identification when reading messages. Primary Examiner Alhashemi and Examiner Cao indicated that the arguments would be further considered upon receiving the response to the Office Action.

Also discussed in the interview was whether the term “enough” rendered claim 1 indefinite. Primary Examiner Alhashemi and Examiner Coa suggested amending the claims to not use a term of degree, such as “enough.” In the interest of advancing prosecution, claim 1 has been amended herein as suggested.

Response to Rejections

The pending disclosure is generally related to a message manager system for reading messages from a queue. The messages may be read from the queue by identifying a host computer implementing a messaging service and by identifying the queue, as disclosed in paragraph 0029. The pending disclosure is more particularly directed to a message manager for reading messages from a system under test. The message manager system of the pending disclosure is provided with a mutually exclusive option of destructively or non-destructively reading messages from the queue. The non-destructive read is useful for verifying the content of the message while minimally impacting the system under test, as disclosed in paragraphs 0018 and 0025. The destructive read is useful when messages accumulate on the queue and impede operations of the system under test, as disclosed in paragraph 0025. For example, the destructive reading of messages may be desired when the intended recipient of the message is not yet mature

enough to be employed as a message reader or otherwise cannot read its messages from the queue. As disclosed in paragraph 0018, when a test application outputs a message to the queue, the message manager may display the messages read from the queue so as to verify that the messages outputted by the test application are correctly structured, that the messages contain correct information in the fields of the message structure, and that the messages are sent to the right destination, for example. The claims have been amended herein to more particularly point out these unique features. A detailed discussion of how the claim limitations distinguish from the applied art follows.

Claim 1:I. Landfield teaches away from the combination of Landfield and Couch.

The Office Action argued on pages 2 and 3, “[S]ince reading function (either destructive or non-destructive) allows access to the message data, the administrator of the management system with reading functions would not only control the effective delivery of messages in the queue but also control the content of the messages.” Further, the Office Action argued on pages 7 and 8 that a motivation to combine Landfield and Couch is, “A person having ordinary skill in the art would have been motivated to do so to provide an effective and flexible way to manage and control messages in the queue since the function of reading either destructively or non-destructively provides the administrator with reading access to the electronic message itself not just its properties and header information.”

The disclosure of Landfield on column 6, lines 58-65 is reproduced below:

“In prior systems, the editing of the message text itself necessarily involved opening the message text file. This operation allowed the administrator to read

the text of the electronic message intended for someone else. Using the present invention, the message may be bounced and message text may be inserted into the message without the administrator ever having read access to the electronic message itself.”

Therefore, Landfield discloses that it is undesirable for an administrator to have read access to the text of an electronic message. MPEP 2141.02(VI) states, “A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original). Also note MPEP 2123(II) and MPEP 2145(X)(D). Further, “the prior art’s mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed ...” *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). It is clear from the disclosure of Landfield that granting the administrator read access to an electronic message is not one of several alternatives to reading a message, but rather is disclosed in a critical, discrediting, or otherwise discouraging manner. Therefore, the cited section of Landfield clearly teaches away from granting an administrator read access to the electronic message itself as suggested in the Office Action.

II. A non-existent system may not be read on a positively recited system.

Claim 1 has been amended herein to recite, “wherein a portion of the one or more second systems cannot,” which was previously recited as “are not mature enough to,” “read ones of the plurality of messages from the queue that are directed to the portion of the one or more second systems.” The Office Action relied on disclosure in column 7, lines 3-20 to read on these limitations. The cited section of Landfield discloses that when a message is improperly addressed, an administrator may view the header information of the message or reroute the

message to a new address. The Office Action interpreted this disclosure as teaching that the improperly addressed message is addressed to a non-existent application or system, wherein “the non-existing system is broadly interpreted as the system which is not mature to read the plurality of messages from the queues as claimed.” Applicant respectfully disagrees with this interpretation.

Landfield discloses that if a message is defective, such as having an incorrect destination address, then an administrator may handle (e.g., bounce, delete, reroute) the message. What is claimed is a system that is defective (e.g., is being used in a testing environment and has not been developed to the point at which it can read its messages from the queue, see paragraphs 0018 and 0025 of the specification), wherein the claimed computer system with the first module and the second module may destructively read those accumulating messages from the queue. Applicant respectfully submits that disclosure of a defective message cannot be read on a claim limitation of a defective system. Therefore, Landfield in view of Couch does not teach or suggest “wherein a portion of the one or more second systems cannot read ones of the plurality of messages from the queue that are directed to the portion of the one or more second systems,” as claimed.

III. The table function of Couch is a normal receiver of messages.

The Office Action interpreted the disclosure of the table function on paragraphs 0030-0034 and 0048 of Couch as teaching that the table function is not a normal receiver of messages. In the interview, Examiner Cao further clarified the interpretation that the table function is not a normal receiver of messages. Examiner Cao referenced paragraph 0032, where Couch discloses that the computer system 10c receives messages from the other computer systems 10a and 10b and stores them in the message queue 30. Examiner Cao then referenced paragraph 0033, where

Couch discloses that computer systems "e.g., 10a, 10b" can run a programming module to build a table function to access messaging data stored in the message queue 30. Examiner Cao reasoned that since the message queue 30 was disclosed as part of the computer system 10c, then Couch disclosed that computer systems 10a and 10b can access the messaging data stored on the queue of computer system 10c. However, when considering the reference as a whole, Applicant respectfully submits that this is not what Couch is disclosing. Applicant notes paragraph 0030 discloses, "One of the computer systems (10c) is shown expanded for further illustration." Further, paragraph 0054 discloses, "As indicated above, each computer system 10a, 10b, 10c in a network can maintain its own message queue 30." Therefore, it is clear that when referring to message queue 30, Couch is referring to any of the message queues maintained on any of the computer systems 10a, 10b, 10c. Based on the disclosure of Couch as a whole, it is clear that the disclosure of paragraph 0033 does not teach that one computer system can read messages from a queue on another computer system. Rather, paragraph 0033 merely discloses that each computer system can build its own table function to access messaging data from its own message queue 30. Therefore, Landfield in view of Couch does not disclose a first module of a computer system that reads messages from the queue of a messaging service system, wherein the messages are not directed to the first module and the first module is not a normal receiver of the messages, as claimed.

IV. There is no motivation to combine the teachings of Landfield and Couch.

The Office Action relied on the disclosure in Couch to teach the limitations of "the first module is selectable in a mutually exclusive manner between destructively reading the messages from the queue and non-destructively reading the message from the queue." Couch discloses in

paragraph 0033 a table function that is a user defined function (UDF) that is able to destructively or non-destructively read message data stored in the message queue 30. The Office Action stated that it would have been obvious to have modified Landfield by the teaching of Couch “to add the function of selecting between destructively reading and non-destructively reading since this function provides an effective and flexible way to manage messages in the queue.”

Landfield is directed to a system that allows for the efficient updating and maintenance of electronic mail aliases and allows for efficient proactive management of electronic mail message queues (column 8, lines 9-14). In particular, Landfield discloses that the messages in the queue are processed “in order to deliver the messages within the mail message queue” (column 5, lines 30-33). Further, Landfield discloses that there are often messages that are undeliverable for a variety of reasons, wherein the undeliverable messages “tax the processing resources of the firewall host systems 26, 28, and 30” (column 5, lines 33-38). Landfield discloses an electronic mail message management system in order to quickly and efficiently deliver deliverable messages and remove (bounce, delete, or reroute) messages that are undeliverable so as to free up processing resources (column 5, lines 39-43; column 6, lines 25-29).

Because Landfield discloses that messages in the queue are processed in order to deliver the messages, it is unclear as to why one skilled in the art would be motivated to have an option to destructively read messages that are deliverable from the message queue. In this case, destructively reading deliverable messages from the queue would prevent the messages from being delivered.

Also, it is unclear as to why one skilled in the art would be motivated to have an option to destructively read messages that are undeliverable. In particular, Landfield discloses to remove messages that are undeliverable because they tax processing resources. As such, destructively reading messages from the message queue and displaying the read message would require the use of additional processing resources. That is, a certain amount of processing resources would still be required to display the undeliverable messages that have been destructively read from the message queue. Therefore the undeliverable message would continue to tax processing resources.

MPEP 2143.01(V) states:

"If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gorden*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

Applicant respectfully submits that destructively reading messages from the message queue of Landfield would unsatisfactorily modify Landfield from its intended purpose. Destructively reading deliverable messages from the queue would deviate from the intended purpose of delivering the messages in the mail queue of Landfield. Similarly, destructively reading undeliverable messages and displaying the read message, as required by the claims, would deviate from the intended purpose of removing undeliverable messages that tax processing resources.

As the pending disclosure is directed to the management of message queues in a test environment, it is desirable to be able to select between destructively reading messages from the queue and non-destructively reading messages from the queue. Looking to paragraphs 0018 and

0025 of the present disclosure, non-destructively reading messages from the queue enables the review of the messages with minimal impact to the systems under test because the messages are not diverted from their normal receiver. Further, in some test environments, some software which receives messages may not be mature enough to be employed as a message reader during initial testing of a message sending component. In this case, destructively reading messages from the queue enables the review of the message while also removing accumulated messages that may impede system operations.

For at least the reasons established above in sections I-IV, Applicant respectfully submits that independent claim 1 is not taught or suggested by Landfield in view of Couch and respectfully request allowance of this claim.

Dependent claims 2-12 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicant respectfully submits that claims 2-12 are not taught or suggested by Landfield in view of Couch and respectfully request allowance of these claims.

Claim 13:

Claim 13 includes limitations substantially similar to the limitations discussed in sections I-IV above. For at least the reasons established above in sections I-IV, Applicant respectfully submits that independent claim 13 is not taught or suggested by Landfield in view of Couch and Hamilton and respectfully request allowance of this claim.

V. Hamilton does not teach or suggest identifying a host computer and identifying a queue when reading messages from a queue.

Claim 13 recites, “selecting a host computer implementing the messaging service by inputting a host computer identification; selecting a queue supported by the messaging service by inputting a queue identification; reading a message … from the queue.” The Office Action relied on disclosure in paragraph 0133 of Hamilton to read on these limitations. Hamilton discloses in paragraph 0133 that a replicated queue may be created by specifying the name of the queue and an IP address if the queue is remote. Hamilton discloses in paragraph 0132 that replicated queues may be provided for fault tolerance. Hamilton also discloses in paragraph 0132, “The master and replicated queues may be physically distributed across a network or located within the same address space of a queue manager. Processes access the replicated queue without knowing that the queue is a replication of another queue, and without knowing that the replicated queue is physically located in another computer across a network.” Hamilton further discloses in the abstract, “An application programming interface is initiates a request to the macro queue to obtain a message stored in one of the queues **without identifying a particular queue**” (emphasis added). Therefore, Hamilton discloses that when creating a replicate queue, the queue and host computer (e.g., IP address) are specified; however, when reading messages from the queue, a particular queue is not identified. Therefore, Landfield in view of Cao and Hamilton does not teach or suggest, “selecting a host computer implementing the messaging service by inputting a host computer identification; selecting a queue supported by the messaging service by inputting a queue identification; reading a message … from the queue.”

Dependent claims 14-20 depend directly or indirectly from independent claim 13 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-V above, Applicant respectfully submits that claims 14-20 are not taught or suggested by Landfield in view of Couch and Hamilton and respectfully request allowance of these claims.

Claim 21:

Claim 21 includes limitations substantially similar to the limitations discussed in sections I-V above. For at least the reasons established above in sections I-V, Applicant respectfully submits that independent claim 21 is not taught or suggested by Landfield in view of Couch and Hamilton and respectfully request allowance of this claim.

Dependent claim 22 depends directly or indirectly from independent claim 21 and incorporates all of the limitations thereof. Accordingly, for at least the reasons established in sections I-V above, Applicant respectfully submits that claim 22 is not taught or suggested by Landfield in view of Couch and Hamilton and respectfully requests allowance of this claim.

Conclusion

Applicant respectfully submits that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: December 4, 2007

/Michael W. Piper/

Michael W. Piper

Reg. No. 39,800

CONLEY ROSE, P.C.
5601 Granite Parkway, Suite 750
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)

ATTORNEY FOR APPLICANT